



Entered on Docket
May 07, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OMNIBUS
OBJECTION OF USACM LIQUIDATING
TRUST TO PROOFS OF CLAIM BASED
UPON EQUIPMENT LEASES**

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

The Court having considered the “Omnibus Objection Of USACM Liquidating Trust To Proofs Of Claim Based Upon Equipment Leases” [Docket No. 6987] (the “Objection”); with appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained;
2. The following claims are disallowed in their entirety:

Claim #	Name & Address	Lease	Total Claim Amount
10725-00281	Bank of America Leasing Successor By Merger to Fleet Business Credit, LLC c/o Veronika A Rager Risk Operation Team Manager 305 W Big Beaver, Suite 400 Troy, MI 48084	Contract No. 1696325	\$22,799.54
10725-00282	Bank of America Leasing Successor By Merger to Fleet Business Credit, LLC c/o Veronika A Rager Risk Operation Team Manager 305 W Big Beaver, Suite 400 Troy, MI 48084	Contract No. 002-1694452-000	\$44,041.47
10725-00095	National City Commercial Capital Corporation f/k/a Information Leasing Corporation Lisa M Moore Esq 995 Dalton Avenue Cincinnati, OH 45203	Lease No. 404230002	\$45,780.11
10725-01655	National City Commercial Capital Corporation f/k/a Information Leasing Corporation Lisa M Moore Esq 995 Dalton Avenue Cincinnati, OH 45203	Lease No. 404230002	\$30,870.19
10725-01656	National City Commercial Capital Corporation f/k/a Information Leasing Corporation Lisa M Moore Esq 995 Dalton Avenue Cincinnati, OH 45203	Lease No. 404230002	\$14,247.78

1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 **LEWIS AND ROCA LLP**

3 By /s/ John Hinderaker (018024)
4 Rob Charles
5 John Hinderaker (admitted *pro hac vice*)
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10 *Attorneys for USACM Liquidating Trust*

11 APPROVED/DISAPPROVED

12 By: _____
13 August Landis
14 Assistant United States Trustee
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust